

Juanita R. Brooks (CA SBN 75934) / brooks@fr.com  
Roger A. Denning (CA SBN 228998) / denning@fr.com  
Frank J. Albert (CA SBN 247741) / albert@fr.com  
K. Nicole Williams (CA SBN 291900) / nwilliams@fr.com  
Jared A. Smith (CA SBN 306576) / jasmith@fr.com  
Tucker N. Terhufen (CA SBN 311038) / terhufen@fr.com  
FISH & RICHARDSON P.C.  
12860 El Camino Real, Ste. 400  
San Diego, CA 92130  
Telephone: (858) 678-5070 / Fax: (858) 678-5099

Susan Morrison (*Pro Hac Vice*) / morrison@fr.com  
FISH & RICHARDSON P.C.  
222 Delaware Avenue, 17th Floor  
P.O. Box 1114  
Wilmington, DE 19801  
Telephone: (302) 652-5070 / Fax: (302) 652-0607

*Additional counsel listed on signature page*

Attorneys for Plaintiff,  
FINJAN LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(OAKLAND DIVISION)

FINJAN LLC,

Plaintiff,

v.

PALO ALTO NETWORKS, INC.,

Defendant.

Case No. 14-cv-04908-PJH

**IDENTIFICATION OF PRIOR CLAIM  
CONSTRUCTIONS OF TERMS IN THE  
ASSERTED CLAIMS OF THE PATENTS-  
IN-SUIT**

Hon. Phyllis J. Hamilton  
Ctm: 3, 3<sup>rd</sup> Floor

Pursuant to the Court’s direction during the March 18, 2021 Case Management Conference and its related Civil Minutes (Dkt. No. 106), Plaintiff Finjan LLC (“Finjan”) submits the following Identification of Prior Claim Constructions of Terms in the Asserted Claims of U.S. Patent Nos. 6,804,780; 7,418,731; 7,613,926; 7,647,633; 8,141,154; 8,225,408; 8,677,494 (collectively, “Patents-In-Suit”). Pursuant to the same, Finjan attaches hereto the claim construction orders for *Finjan LLC v. SonicWall, Inc.*, Case No. 5:17-cv-04467 (N.D.Cal.) (Exhibit 1), *Finjan, LLC v. Cisco Systems Inc.*, Case No. 5:17-cv-00072 (N.D.Cal.) (Exhibits 2-4), and *Finjan LLC v. Rapid7, Inc. et al.*, Case No. 1:18-cv-01519 (D.Del.) (Exhibit 5).<sup>1</sup>

Claim terms in the asserted claims of the Patents-In-Suit have been construed in the following cases:

- *Sophos, Inc. v. Finjan, Inc.*, Case No. IPR2015-00907 (“IPR2015-00907”);
- *Sophos, Inc. v. Finjan, Inc.*, Case No. IPR2015-01022 (“IPR2015-01022”);
- *Symantec Corp. v. Finjan, Inc.*, Case No. IPR2015-01892 (“IPR2015-01892”);
- *Symantec Corp. v. Finjan, Inc.*, Case No. IPR2015-01893 (“IPR2015-01893”);
- *Palo Alto Networks, Inc. v. Finjan, Inc.*, Case No. IPR2015-01974 (“IPR2015-01974”);
- *Palo Alto Networks, Inc. v. Finjan, Inc.*, Case No. IPR2015-01979 (“IPR2015-01979”);
- *Palo Alto Networks, Inc. v. Finjan, Inc.*, Case No. IPR2015-02000 (“IPR2015-02000”);
- *Palo Alto Networks, Inc. v. Finjan, Inc.*, Case No. IPR2015-02001 (“IPR2015-02001”);
- *Palo Alto Networks, Inc. v. Finjan, Inc.*, Case No. IPR2016-00145 (“IPR2016-00145”);
- *Palo Alto Networks, Inc. v. Finjan, Inc.*, Case No. IPR2016-00151 (“IPR2016-00151”);
- *Palo Alto Networks, Inc. v. Finjan, Inc.*, Case No. IPR2016-00157 (“IPR2016-00157”);
- *Palo Alto Networks, Inc. v. Finjan, Inc.*, Case No. IPR2016-00159 (“IPR2016-00159”);
- *Palo Alto Networks, Inc. v. Finjan, Inc.*, Case No. IPR2016-00165 (“IPR2016-00165”);
- *Cisco Systems, Inc. v. Finjan, Inc.*, Case No. IPR2017-02155 (“IPR2017-02155”);

<sup>1</sup> The Court’s Civil Minutes ordered Finjan to file the claim construction orders from “Finjan v. Sonicwall, Inc., Cisco Systems, Inc., Rapid7, Inc.,” which Finjan has attached hereto as Exhibits 1-5. To avoid flooding the Court’s docket, Finjan has not filed any of the other orders or decisions cited in this identification of prior claim constructions. But Finjan is ready to do so if the Court would find that helpful.

- 1 • *Cisco Systems, Inc. v. Finjan, Inc.*, Case No. IPR2018-00391 (“IPR2018-00391”);
- 2 • *Juniper Networks, Inc. v. Finjan, Inc.*, Case No. IPR2019-00031 (“IPR2019-00031”);
- 3 • *Juniper Networks, Inc. v. Finjan, Inc.*, Case No. IPR2019-00060 (“IPR2019-00060”);
- 4 • *Juniper Networks, Inc. v. Finjan, Inc.*, Case No. IPR2019-00073 (“IPR2019-00073”);
- 5 • *Finjan Software Ltd. v. Secure Computing Corporation et al.*, Case No. 1:06-cv-00369
- 6 (D.Del.) (“*Secure Computing*”);
- 7 • *Finjan, Inc. v. Blue Coat Systems, Inc.*, Case No. 5:13-cv-03999 (N.D.Cal.)
- 8 (“*Blue Coat I*”);
- 9 • *Finjan, Inc. v. Proofpoint, Inc. et al.*, Case No. 4:13-cv-05808 (N.D.Cal.) (“*Proofpoint*”);
- 10 • *Finjan, Inc. v. Sophos, Inc.*, Case No. 3:14-cv-01197 (N.D.Cal.) (“*Sophos*”);
- 11 • *Finjan, Inc. v. Symantec Corp.*, Case No. 4:14-cv-02998 (N.D.Cal.) (“*Symantec*”);
- 12 • *Finjan, Inc. v. Blue Coat Systems, Inc.*, Case No. 5:15-cv-03295 (N.D.Cal.)
- 13 (“*Blue Coat II*”);
- 14 • *Finjan LLC v. Cisco Systems Inc.*, Case No. 5:17-cv-00072 (N.D.Cal.) (“*Cisco*”);
- 15 • *Finjan LLC v. ESET, LLC et al.*, Case No. 3:17-cv-00183 (S.D.Cal.) (“*ESET*”);
- 16 • *Finjan LLC v. SonicWall, Inc.*, Case No. 5:17-cv-04467 (N.D.Cal.) (“*SonicWall*”);
- 17 • *Finjan, Inc. v. Bitdefender Inc. et al.*, Case No. 4:17-cv-04790 (N.D.Cal.) (“*Bitdefender*”);
- 18 • *Finjan, Inc. v. Juniper Network, Inc.*, Case No. 3:17-cv-05659 (N.D.Cal.) (“*Juniper*”);
- 19 • *Finjan LLC v. Rapid7, Inc. et al.*, Case No. 1:18-cv-01519 (D.Del.) (“*Rapid7*”);
- 20 • *Finjan LLC v. Qualys Inc.*, Case No. 4:18-cv-07229 (N.D.Cal.) (“*Qualys*”);
- 21 • *Palo Alto Networks, Inc. v. Finjan, Inc.*, Case Nos. 2017-2543, 2017-2623, 2017-2047,
- 22 777 F. App’x 501 (Fed. Cir. 2019) (“*Palo Alto Networks Appeal I*”);
- 23 • *Palo Alto Networks, Inc. v. Finjan, Inc.*, Case Nos. 2017-2314, 2017-2315, 752 F. App’x
- 24 1017 (Fed. Cir. 2018) (“*Palo Alto Networks Appeal II*”);
- 25 • *Palo Alto Networks, Inc. v. Finjan, Inc.*, Case No. 2019-2151, 836 F. App’x 916 (Fed. Cir.
- 26 2020) (“*Palo Alto Networks Appeal III*”);
- 27 • *Finjan, Inc. v. Blue Coat Systems, Inc.*, Case No. 2016-2520, 879 F.3d 1299 (Fed. Cir.
- 28 2018) (“*Blue Coat Appeal*”); and

- *Finjan, Inc. v. Cisco Systems Inc.*, Case Nos. 2019-2074, 2019-2146, 837 F. App'x. 799 (Fed. Cir. 2020) (“*Cisco Appeal*”).

These cases are referenced in the following tables by their case abbreviation (defined above) along with the relevant docket number for district court cases, case citation for Federal Circuit decisions, or paper number for matters before the Patent Trial and Appeal Board (“PTAB”).

Finjan has made its best efforts in compiling this identification of prior claim constructions related to the asserted claims of the Patents-In-Suit to identify *all* prior relevant constructions entered by any U.S. courts (including claim construction orders, summary judgment orders, and/or appeal decisions) and the PTAB (including decisions denying or institution of IPR, decisions instituting IPR, and final written decisions). The litigation history for these patents, however, is complicated, so Finjan reserves the right to supplement this identification of prior claim constructions to the extent one or more constructions has been inadvertently omitted.

#### I. U.S. PATENT NO. 6,804,780

Construed Term	Case(s)	Construction(s)
Downloadable	<i>Blue Coat I</i> (D118); <i>Cisco</i> (D134); <i>SonicWall</i> (D132); <i>Bitdefender</i> (D101)	an executable application program, which is downloaded from a source computer and run on the destination computer
	<i>ESET</i> (D195)	a small executable or interpretable application program which is downloaded from a source computer and run on a destination computer
	IPR2016-00165 Decision Denying Institution (Paper 7)	The '780 patent defines this term as “an executable application program, which is downloaded from a source computer and run on the destination computer.” Therefore, no further construction is needed.
Downloadable ID	IPR2016-00165 Decision Denying Institution (Paper 7)	No construction necessary

Construed Term	Case(s)	Construction(s)
software components required to be executed by the Downloadable	<i>ESET</i> (D195)	components of code that the Downloadable is required to execute
ID Generator	<i>ESET</i> (D195)	Not subject to 112(6). “ID generator” is not a nonce term as advocated by Defendant. It is a common name for a known program construct that would be familiar to one of skill in the art to perform a function further identified by its modifier.
software component[s]	<i>Cisco</i> (D173)	Plain and ordinary meaning; no construction necessary
performing a hashing function on the Downloadable and the fetched software components to generate a Downloadable ID	<i>Secure Computing</i> (D142)	performing a hashing function on the Downloadable together with its fetched software components to generate a Downloadable ID
	<i>Cisco</i> (D134); <i>SonicWall</i> (D214)	performing a hashing function on the Downloadable together with its fetched software components to generate a unique and reproducible ID for that Downloadable
	<i>Bitdefender</i> (D101)	performing a hashing function that operates across the combination of a Downloadable together with its fetched software components to transmute the Downloadable and its fetched software components into a unique and reproducible ID for that Downloadable
	<i>Juniper</i> (D180)	performing a hashing function on the Downloadable together with its fetched software components to generate a single hash value that identifies the contents of both the Downloadable and the fetched components
performing a hashing function on the Downloadable and the fetched software components	IPR2016-00165 Decision Denying Institution (Paper 7);	performing a hashing function on the Downloadable together

Construed Term	Case(s)	Construction(s)
	<i>Blue Coat I</i> (D118); <i>ESET</i> (D195) <i>Blue Coat I</i> (D265)	with its fetched software components  The phrase “performing a hashing function on the Downloadable together with its fetched software components” requires a computation or combination of computations that transmutes the Downloadable and its components into a unique and reproducible ID for that Downloadable
fetching	<i>Bitdefender</i> (D101)	No construction necessary – Plain and ordinary meaning of “fetching” is “retrieving,” which is not limited as <i>Bitdefender</i> suggests
means for fetching at least one software component	IPR2016-00165 Decision Denying Institution (Paper 7)	Not indefinite.  <i>Function</i> : fetching at least one software component;  <i>Structure</i> : a programmed general purpose digital computer, using application specific integrated circuits, or using a network of interconnected conventional components and circuits
means for fetching at least one software component identified by the one or more references	<i>SonicWall</i> (D132)	<i>Function</i> : fetching at least one software component identified by the one or more references  <i>Structure</i> : ID generator programmed to perform the algorithm of step 820 disclosed in the ’780 Patent at Fig. 8; 9:62–64; and 4:56–66.
means for obtaining a Downloadable	IPR2016-00165 Decision Denying Institution (Paper 7)	Not indefinite.  <i>Function</i> : obtaining a Downloadable;  <i>Structure</i> : a programmed general purpose digital



Construed Term	Case(s)	Construction(s)
		computer, using application specific integrated circuits, or using a network of interconnected conventional components and circuits
means for obtaining a Downloadable that includes one or more references to software components required to be executed by the Downloadable	<i>SonicWall</i> (D132)	<p><i>Function</i>: obtaining a Downloadable that includes one or more references to software components required to be executed by the Downloadable</p> <p><i>Structure</i>: ID generator programmed to perform the algorithm of step 810 disclosed in the '780 Patent at Fig. 8; 9:60–62; and 4:50–54.</p>
means for performing a hashing function	IPR2016-00165 Decision Denying Institution (Paper 7)	<p>Not indefinite.</p> <p><i>Function</i>: performing a hashing function;</p> <p><i>Structure</i>: a programmed general purpose digital computer, using application specific integrated circuits, or using a network of interconnected conventional components and circuits</p>

## II. U.S. PATENT NO. 7,418,731

Construed Term	Case(s)	Construction(s)
network gateway	<i>Blue Coat I</i> (D118)	Plain and ordinary meaning
computer gateway	<i>Blue Coat I</i> (D118)	Plain and ordinary meaning
file cache	IPR2015-02000 Decision Denying Institution (Paper 7)	Plain and ordinary meaning, which is “a memory for holding a file, at least temporarily”
list of computer commands	<i>Blue Coat Appeal</i> (879 F.3d 1299)	Plain and ordinary meaning
incoming files from the Internet	<i>Qualys</i> (D74)	files requested by an intranet computer from the Internet

1 **III. U.S. PATENT NO. 7,613,926**

2 <b>Construed Term</b>	<b>Case(s)</b>	<b>Construction(s)</b>
3 receiver	IPR2015-00907 Decision Denying Institution (Paper 8)	No construction necessary
4	IPR2019-00073 Decision Denying Institution (Paper 7)	one or more components that receive data
5 transmitter coupled with said receiver	IPR2015-00907 Decision Denying Institution (Paper 8)	No construction necessary
6 database	IPR2015-00907 Decision Denying Institution (Paper 8); 7 8 <i>Sophos</i> (D73); 9 <i>SonicWall</i> (D132); 10 <i>Symantec</i> (D170)	a collection of interrelated data organized according to a database schema to serve one or more applications
11	IPR2015-01893 Decision Denying Institution (Paper 8)	No construction necessary
12 database manager	IPR2015-00907 Decision Denying Institution (Paper 8)	No construction necessary
13 Downloadable	IPR2015-00907 Decision Denying Institution (Paper 8)	an executable application program which is automatically downloaded from a source computer and run on a destination computer
14	IPR2019-00073 Decision Denying Institution (Paper 7); 17 <i>SonicWall</i> (D132); 18 <i>Symantec</i> (D170)	an executable program, which is downloaded from a source computer and run on a destination computer
19 Downloadable identifier	IPR2015-00907 Decision Denying Institution (Paper 8)	No construction necessary
20 Downloadable security profile data	IPR2015-00907 Decision Denying Institution (Paper 8)	a presentation or summary of information regarding the protection or safeguarding of an executable application program which is automatically downloaded from a secure computer and run on a destination computer
21		
22		
23		
24		
25 a representation of the retrieved Downloadable security profile data	IPR2015-00907 Decision Denying Institution (Paper 8)	No construction necessary
26		
27 append[ing]	IPR2016-00145 Decision Denying Institution (Paper 9)	attach[ing]
28		



Construed Term	Case(s)	Construction(s)
destination computer	<i>SonicWall</i> (D132)	No construction necessary—plain and ordinary meaning

#### IV. U.S. PATENT NO. 7,647,633

Construed Term	Case(s)	Construction(s)
information re-communicator	IPR2018-00391 Final Written Decision (Paper 33)  <i>Cisco</i> Appeal (837 F. App'x 799)	The term “information re-communicator” is “not limited to receiving downloadable-information from an external network”
executable code	IPR2018-00391 Decision Instituting IPR (Paper 7);  IPR2018-00391 Final Written Decision (Paper 33)	the executable code whose operations are processed by the mobile protection code at the destination is the same as the executable code received, i.e., it undergoes no modification
	IPR2015-01974 Final Written Decision (Paper 49)	“executable code” at the destination is not modified
mobile protection code	<i>Blue Coat I</i> (D118)	code that, at runtime, monitors or intercepts actually or potentially malicious code operations
	<i>Proofpoint</i> (D267);  IPR2019-00060 Decision Denying Institution (Paper 7)	code that, at runtime, monitors or intercepts actually or potentially malicious operations
	<i>SonicWall</i> (D132);  <i>Cisco</i> (D173, D247)	code that, at runtime, monitors or intercepts actually or potentially malicious code operations without modifying the executable code  where the mobile protection code itself must be executable
downloadable-information destination	<i>Proofpoint</i> (D267)	a device or process that is capable of receiving and initiating or otherwise hosting a mobile code execution
	<i>Cisco</i> (D134);  <i>SonicWall</i> (D214)	user device that includes one or more devices or process that are capable of receiving and initiating or otherwise hosting a mobile code execution

Construed Term	Case(s)	Construction(s)
	<i>Blue Coat I</i> (D118)	No construction necessary
A computer program product, comprising a computer usable medium having a computer readable program code therein, the computer readable program code adapted to be executed for computer security, the method comprising: providing a system, . . .	<i>Blue Coat I</i> (D118)	A computer program product, comprising a computer usable medium having a computer readable program code therein, the computer readable program code adapted to be executed for computer security, comprising: providing a system, . . .
	<i>Blue Coat I</i> (D256)	Claim 14 is not indefinite
A computer program product, comprising a computer usable medium having a computer readable program code therein, the computer readable program code adapted to be executed for computer security, the method comprising:	<i>SonicWall</i> (D132); <i>Cisco</i> (D173)	The typographic error in the preamble is corrected to read:  A computer program product, comprising a computer usable medium having a computer readable program code therein, the computer readable program code adapted to be executed for computer security, comprising:
causing mobile protection code to be executed by the mobile code executor at a downloadable-information destination such that one or more operations of the executable code at the destination, if attempted, will be processed by the mobile protection code	<i>Blue Coat I</i> (D118)	Plain and ordinary meaning, wherein the mobile protection code was communicated to the downloadable-information destination without modifying the executable code

#### V. U.S. PATENT NO. 8,141,154

Construed Term	Case (s)	Construction(s)
dynamically generate[d]	IPR2015-01547 Decision Denying Institution (Paper 9)	No construction necessary
	IPR2016-00151 Decision Instituting IPR (Paper 10)	
protecting a computer from dynamically generated malicious content	<i>Symantec</i> (D170)	No construction necessary of preamble

Construed Term	Case (s)	Construction(s)
content	IPR2015-01979 Final Written Decision (Paper 62); IPR2019-00031 Decision Denying Institution (Paper 8)	data or information, which has been modified and is received over a network
first function	IPR2015-01979 Decision Instituting IPR (Paper 8)	No construction necessary
[a] call to a first function	IPR2015-01979 Final Written Decision (Paper 62), <i>aff'd Palo Alto Networks Appeal II</i> (752 F. App'x 1017); IPR2019-00031 Decision Denying Institution (Paper 8); <i>Palo Alto Networks Appeal III</i> (836 F. App'x 916); <i>Rapid7</i> (D123)	a statement or instruction in the content, the execution of which causes the function to provide a service
	IPR2016-00151 Final Written Decision (Paper 51)	a statement or instruction in a program requesting the services of a particular (i.e., first) function
	<i>Bitdefender</i> (D101)	No construction necessary – Plain and ordinary meaning
a call to a first function . . . [invoking/invoke/calling] a second function	<i>Proofpoint</i> (D267)	plain and ordinary meaning; no construction necessary
first function / second function	<i>Cisco</i> (D134) <i>SonicWall</i> (D132, D214) <i>Rapid7</i> (D123)	substitute function / original function, which is different than the first function plain and ordinary meaning and no construction is necessary
[a] second function	IPR2015-01979 Decision Instituting IPR (Paper 8) <i>Bitdefender</i> (D101)	No construction necessary No construction necessary – Plain and ordinary meaning
when the first function is invoked	<i>Bitdefender</i> (D101)	No construction necessary – Plain and ordinary meaning, which is not limited to the conditional meaning of “when”
invoking a function	<i>Palo Alto Networks Appeal II</i> (752 F. App'x 1017)	initiating a call to a function, regardless of whether the function is executed
invoke	IPR2019-00031 Decision Denying Institution (Paper 8)	“invoke” does not require execution of a function

Construed Term	Case (s)	Construction(s)
content processor (i) for processing content received over a network, the content including a call to a first function, and the call including an input, and (ii) for invoking a second function with the input, only if security computer indicates that such invocation is safe	<i>Proofpoint</i> (D267)	Not subject to 112(6)  plain and ordinary meaning; no construction necessary
[a] content processor	<i>Symantec</i> (D170)	No construction necessary— Plain and ordinary meaning
	<i>Rapid7</i> (D123)	a processor that processes content
	<i>Qualys</i> (D74)	a content processor on the protected computer
	<i>Juniper</i> (D491)	a processor that processes modified content
a content processor for (i) processing content received over a network	<i>Bitdefender</i> (D101)	No construction necessary – Plain and ordinary meaning
inspection[s]	<i>Symantec</i> (D170)	No construction necessary, plain and ordinary meaning.
receiver	IPR2015-01979 Decision Instituting IPR (Paper 8)	No construction necessary
	<i>Qualys</i> (D74)	35 U.S.C. § 112 ¶ 6 does not apply; no construction
transmitter	IPR2015-01979 Decision Instituting IPR (Paper 8)	No construction necessary
	<i>Qualys</i> (D74)	35 U.S.C. § 112 ¶ 6 does not apply; no construction
security computer	<i>Qualys</i> (D74)	No construction necessary

## VI. U.S. PATENT NO. 8,225,408

Construed Term	Case(s)	Construction(s)
parse tree	IPR2015-02001, IPR2016-00157 Decision Instituting IPR (Paper 7);	a hierarchical structure of interconnected nodes built from scanned content
	IPR2015-02001, IPR2016-00157 Final Written Decision (Paper 41);	
	<i>Proofpoint</i> (D267);	

Construed Term	Case(s)	Construction(s)
	<i>SonicWall</i> (D132); <i>Rapid7</i> (D123) <i>Blue Coat II</i> (D178)	
scanner	<i>Rapid7</i> (D123)	a scanner that is able to adapt itself dynamically to scan a specific type of content
parser rules	<i>Rapid7</i> (D123)	patterns of tokens that form syntactical constructs of program code
dynamically building	IPR2015-02001, IPR2016-00157 Decision Instituting IPR (Paper 7); IPR2015-02001, IPR2016-00157 Final Written Decision (Paper 41) <i>Rapid7</i> (D123)	requires that a time period for dynamically building overlap with a time period during which the incoming stream is being received  Plain and ordinary meaning, which is “non-static building”
dynamically detecting	IPR2015-02001, IPR2016-00157 Decision Instituting IPR (Paper 7); IPR2015-02001, IPR2016-00157 Final Written Decision (Paper 41) <i>Rapid7</i> (D123)	requires that at a time period for dynamically detecting overlap with a time period during which the parse tree is built  Plain and ordinary meaning, which is “non-static detecting”
incoming stream of program code	<i>Rapid7</i> (D123)	Plain and ordinary meaning
incoming stream	<i>Blue Coat II</i> (D286)	an “incoming stream” need not be from an external source
instantiating ... a scanner for the specific programming language	IPR2015-02001, IPR2016-00157 Decision Instituting IPR (Paper 7); IPR2015-02001, IPR2016-00157 Final Written Decision (Paper 41)	substituting specific data, instructions, or both into a generic program unit to make it usable for scanning the specific programming language
instantiating, by the computer, a scanner for the specific programming language /	<i>SonicWall</i> (D132)	substituting specific data, instructions, or both into a scanner to make it usable for scanning the specific programming language



Construed Term	Case(s)	Construction(s)
instantiating a scanner for the specific programming language	<i>Rapid7</i> (D123)	generating or requesting a scanner that can scan the specific programming language
instantiating, by the computer, a scanner for the specific programming language	<i>Qualys</i> (D74)	generating or requesting a scanner that can scan the programming language by providing a generic scanner instance with language-specific data, rules, or both
programming language	<i>Blue Coat II</i> (D286)	a “programming language” must at least be something that has “lexical constructs” which can be recognized as “tokens” and put together in detectable “patterns”

## VII. U.S. PATENT NO. 8,677,494

Construed Term	Case(s)	Construction(s)
receiver	<i>Qualys</i> (D74)	35 U.S.C. § 112 ¶ 6 does not apply
list of suspicious computer operations	IPR2017-02155 Decision Denying Institution (Paper 11)	No construction necessary
	IPR2015-01892 Final Written Decision (Paper 58);  <i>Palo Alto Networks</i> Appeal I (777 F. App’x 501)	list of all operations that could ever be deemed potentially hostile  [non-limiting examples of which includes file operations, network operations, registry operations, operating systems operations, resource usage threshold operations, memory operations, CPU operations, and graphics operations]
	<i>Juniper</i> (D189)	list of computer operations in a received Downloadable that are deemed hostile or potentially hostile
suspicious computer operations	IPR2015-01022 Decision Denying Institution (Paper 7)	No explicit construction warranted or necessary
	<i>Bitdefender</i> (D101)	hostile or potentially hostile computer operations
	<i>Juniper</i> (D189)	the term “suspicious” in this context is not indefinite

Construed Term	Case(s)	Construction(s)
list of suspicious computer operations [that may be attempted by]	<i>Rapid7</i> (D123)	list of computer operations derived from a received Downloadable that are deemed hostile or potentially hostile
database	IPR2015-01022 Decision Denying Institution (Paper 7); IPR2015-01892 Decision Instituting IPR (Paper 9); IPR2015-01892 Final Written Decision (Paper 58); IPR2016-00159 Decision Instituting IPR (Paper 8); IPR2016-00159 Final Written Decision (Paper 50); IPR2017-02155 Decision Denying Institution (Paper 11); <i>Symantec</i> (D170); <i>Cisco</i> (D134); <i>SonicWall</i> (D132); <i>Rapid7</i> (D123); <i>Bitdefender</i> (D101); <i>Juniper</i> (D189); <i>Sophos</i> (D73)	a collection of interrelated data organized according to a database schema to serve one or more applications
database manager	<i>Bitdefender</i> (D101); <i>Juniper</i> (D189)	a program or programs that control a database so that the information it contains can be stored, retrieved, updated, and sorted
storing the Downloadable security profile data in a database	<i>Palo Alto Networks</i> Appeal I (777 F. App'x 501)	placing the derived DSP data into the database

Construed Term	Case(s)	Construction(s)
Downloadable	IPR2015-01022 Decision Denying Institution (Paper 7)	an executable application program which is automatically downloaded from a source computer and run on a destination computer
	IPR2016-00159 Decision Instituting IPR (Paper 8);  IPR2016-00159 Final Written Decision (Paper 50);  <i>Symantec</i> (D170);  <i>SonicWall</i> (D132);  <i>Cisco</i> (D134);  <i>Rapid7</i> (D123);  <i>Bitdefender</i> (D101)	an executable application program, which is downloaded from a source computer and run on the destination computer
Downloadable security profile data	IPR2016-00159 Final Written Decision (Paper 50)	In view of the parties' agreed interpretation of the term "Downloadable," there was no need to separately construe the term "Downloadable security profile data."
scanner	<i>Juniper</i> (D189)	software that searches code to identify suspicious patterns or suspicious computer operations
Downloadable scanner	<i>Cisco</i> (D134);  <i>SonicWall</i> (D214)	software that searches code to identify suspicious patterns or suspicious computer operations
	<i>Rapid7</i> (D123)	software that decomposes code using conventional parsing techniques to identify suspicious patterns or suspicious computer operations
Downloadable scanner coupled with said receiver, for deriving security profile data for the Downloadable	<i>Bitdefender</i> (D101)	downloadable software that searches code to identify suspicious patterns or suspicious computer operations, coupled with said receiver, for deriving security

1	Construed Term	Case(s)	Construction(s)
2			profile data for the Downloadable
3	program script	IPR2015-01022 Decision Denying Institution (Paper 7)	No construction necessary

4  
5 Dated: April 30, 2021

Respectfully Submitted,

6  
7 /s/ Roger A. Denning

Juanita R. Brooks (CA SBN 75934)

brooks@fr.com

Roger A. Denning (CA SBN 228998)

denning@fr.com

Frank J. Albert (CA SBN 247741)

albert@fr.com

K. Nicole Williams (CA SBN 291900)

nwilliams@fr.com

Jared A. Smith (CA SBN 306576)

jasmith@fr.com

Tucker N. Terhufen (CA SBN 311038)

terhufen@fr.com

FISH & RICHARDSON P.C.

12860 El Camino Real, Ste. 400

San Diego, CA 92130

Telephone: (858) 678-5070 / Fax: (858) 678-5099

17 Aamir Kazi (*Pro Hac Vice*)

kazi@fr.com

Lawrence Jarvis (*Pro Hac Vice*)

jarvis@fr.com

FISH & RICHARDSON P.C.

1180 Peachtree St. NE, 21st floor

Atlanta, GA 30309

Telephone: (404) 892-5005 / Fax: (404) 892-5002

22 Phillip W. Goter (*Pro Hac Vice*)

goter@fr.com

FISH & RICHARDSON P.C.

3200 RBC Plaza, 60 South Sixth Street

Minneapolis, MN 55402

Telephone: (612) 335-5070 / Fax: (612) 288-9696

26 Susan Morrison (*Pro Hac Vice*)

morrison@fr.com

FISH & RICHARDSON P.C.

222 Delaware Avenue, 17th Floor

1 P.O. Box 1114  
2 Wilmington, DE 19801  
3 Telephone: (302) 652-5070 / Fax: (302) 652-0607

4 Tracea Rice (*Pro Hac Vice*)  
5 trice@fr.com  
6 FISH & RICHARDSON P.C.  
7 1000 Maine Ave. Ste. 1000  
8 Washington, DC 20024  
9 Telephone: (202) 783-5070 / Fax: (202) 783-2331

10 Attorneys for Plaintiff FINJAN LLC  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on April 30, 2021 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system. Any other counsel of record will be served by electronic mail and regular mail.

/s/ Roger A. Denning

Roger A. Denning